



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,119	07/27/2001	Moon-Young Kim	12777.10US01	2231

7590 02/27/2007  
Hamre, Schumann, Mueller & Larson, P.C.  
Post Office Box 2902-0902  
Minneapolis, MN 55402

EXAMINER
----------

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/917,119

Applicant(s)

KIM, MOON-YOUNG

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities: Line 2 reads "the transmission protocol" and should be changed to --a transmission protocol--.

Appropriate correction is required.

4. Claim 7 is objected to because of the following informalities: Line 4 reads "with the program in request" and should be changed to --with a program in request--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2623

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (5,600,573) [Hendricks].

Regarding claim 1, Hendricks discloses, in a digital broadcasting environment (col. 5, lines 45-61), a method of managing contents data for digital broadcasting (wherein the contents data are 'programs', defined as a collection of advertisements, menus, and audio-visual programming, col. 21, lines 38-54), comprising:

a) collecting the contents data for digital broadcasting in the form of an application (col. 7, lines 5-25 and col. 7 line 46 – col. 8 line 2);

b) designing an application definition file (ADF) depending on characteristics of respective contents contain in the application (the characteristics are received by the CAP, col. 16, lines 29-37, and used to generate the instructions for packaging programming, col. 17, lines 6-18, such as a television program and the advertisements associated with it, col. 17, lines 49-67);

c) inputting the designed application definition file (ADF) and the application into a server (the instructions compiled by the CAP are sent to the output server, col. 13, lines 18-33); and

d) processing the application by the server referring to the application definition file (after the instructions compiled by the CAP are sent to the output server, col. 13, lines 18-33, the output server processes outgoing content according to the instructions, col. 15, lines 31-46; col. 18, lines 39-58; and col. 24, lines 43-64), followed by transmitting the processed application to multiple broadcasting receivers connected to the digital broadcasting environment (col. 8, lines 55-65), in which the processing of the application is carried out on the server's own broadcasting schedule and is not triggered by a request from one of the broadcasting receivers (col. 19, lines 9-35).

Regarding claim 2, Hendricks discloses the method of claim 1, wherein the step a) comprises the sub-steps of:

1) defining a transmission standard of the application (as different standards are used for different transmission means, col. 22, lines 28-44);

2) defining a name of the application (an inherent step, as the system is a automated network of computers, and would require a naming scheme to differentiate between programs in order to processes them accordingly);

3) defining an executing environment of the application (different types of receivers defines different types of executing environments, such as headends with satellite feeds, file server headends, and video dialtone based systems, col. 22, lines 28-44);

4) defining an encoding way of the application (MPEG or ATM, col. 15, lines 31-46);

5) defining a method to transmit the application (col. 22, lines 28-44); and

6) defining the application's own information (col. 17, lines 6-18).

Regarding claim 5, Hendricks discloses the method of claim 1, wherein in the step c), the ADF is inputted by correcting the ADF when the added contents is made in case of adding new contents to the application stored in the server (a packager makes changes at any time, col. 19, lines 21-23, and this is including when new content is added that affects the program lineup, col. 16, lines 15-37).

Regarding claim 6, Hendricks discloses the method of claim 5, wherein in the step c) the ADF is inputted to the server automatically by using a transmission protocol (col. 14, lines 9-14).

Regarding claim 7, Hendricks discloses the method of claim 1, wherein the step d) comprises the sub-steps of:

1) loading the ADF from the server at starting time when the application in the server is transmitted together with the program in request of a main controller section that manages a broadcasting schedule of whole programs (col. 11, lines 1-18);

Art Unit: 2623

2) giving an information of a command for encoding the application based on the loaded ADF (col. 13, lines 39-41); and

3) commanding to generate a system information necessary to which the application is broadcasted (such as formatting information, col. 13, lines 42-65).

### ***Conclusion***

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2623

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**